

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

v.

WILLIAM ROY STONE, JR

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NO. 3:21-CR-00236-E

MOTION FOR DISCLOSURE OF EXTRANEOUS ACTS

Stone, pursuant to Federal Rules of Evidence 104 and 404b, respectfully requests that the Court instruct the government to divulge evidence of any prior convictions, alleged violations of the law not alleged in the indictment, or extraneous acts allegedly done by the Defendant or other alleged co-conspirators in this cause. In support thereof, Stone shows the following:

ARGUMENT

Federal Rule of Evidence 404 *prohibits* “[e]vidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Fed. R. Evid. 404. However, this evidence *may* be admissible for another purpose so long as the government complies with notice requirements. Specifically, “the prosecutor must:

- (A) provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it;
- (B) articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and
- (C) do so in writing before trial--or in any form during trial if the court, for good cause, excuses lack of pretrial notice. *Id.*

In light of the foregoing, Stone requests that the government serves notice regarding any specific acts of misconduct, uncharged criminal conduct, or evidence of extraneous offenses or unalleged overt acts which the government seeks to introduce at trial.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Stone prays that this Court enters an order granting this motion, and for such other relief as this Court may deem necessary and equitable.

Respectfully submitted,

/s/ Gregg Gallian

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ATTORNEYS FOR WILLIAM ROY STONE, JR.

CERTIFICATE OF SERVICE

I certify that on January 18, 2023, I electronically filed this document with the Clerk of Court for the Northern District of Texas, using the electronic case filing (ECF) system of the Court, and thereby served it on counsel of record in this case.

/s/ Gregg Gallian

Gregg Gallian

CERTIFICATE OF CONFERENCE

I certify that on January 18, 2023, I conferred with Greg Westfall, counsel for DeLeon. Mr. Westfall is unopposed to this Motion and the relief sought.

I certify that on January 18, 2023, I conferred with AUSA Marcus Busch, counsel for the government. Mr. Busch is agreed to this Motion and the relief sought.

/s/ Gregg Gallian

Gregg Gallian